

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

TERENCE DeVONTA' JACKSON,)

Plaintiff)

vs.)

Case No. 1:09-cv-02175-IPJ-HGD

LARRY AMERSON, et al.,)

Defendants)

PARTIAL DISMISSAL ORDER

The magistrate judge filed a report and recommendation on January 6, 2011, recommending the following claims be dismissed: (1) plaintiff's Fourth Amendment claims against defendants Butterworth, Suits, Ashley, and Elder for false arrest; (2) plaintiff's Fourth Amendment claims for illegal search and seizure; (3) plaintiff's Fourteenth Amendment due process claim against defendant Suits; and (4) plaintiff's requests for injunctive relief. (Doc. 13). It was further recommended that plaintiff's Fourth Amendment claims against defendant Stahely for excessive force and defendant Robertson for supervisory liability be referred to the magistrate judge for further proceedings. Plaintiff filed objections on February 17, 2011. (Doc. 18).

In his objections, plaintiff restates his claims that defendants Butterworth, Suits, Ashley, and Elder "made an inadequate investigation of the reported crimes"

and that defendants lacked probable cause to arrest him. *Id.* at 2. Plaintiff fails to allege any specific factual support that the officers' sworn complaints contained allegations that were inaccurate or untrue, much less that these defendants knowingly executed fraudulent affidavits such that plaintiff could overcome the defense of qualified immunity. *See Gonzalez v. Reno*, 325 F.3d 1228 (11th Cir. 2003).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the magistrate judge's recommendation is ACCEPTED. It is therefore ORDERED, ADJUDGED, and DECREED that all of plaintiff's claims in this action, **except plaintiff's Fourth Amendment excessive force claims against defendant Stahely and defendant Robertson for supervisory liability**, are DISMISSED pursuant to 28 U.S.C. § 1915A(b). It is further ORDERED that plaintiff's Fourth Amendment excessive force claims against defendant Stahely and defendant Robertson for supervisory liability are REFERRED to the magistrate judge for further proceedings.

DONE this 3rd day of March, 2011.



INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE